

*Journal  
of the American*

April, 1956

**JUDICATURE**

*Society*

VOLUME 39, NUMBER 6

.... one of the fundamental principles of our form of Government is that our judiciary should be independent of politics in order to have impartial justice.

— WILLIAM W. CROWDUS

★ *To Robe or Not to Robe?—  
A Judicial Dilemma*  
by Glenn W. Ferguson

★ *The Juvenile Court Judge—  
A New Concept of the Judicial Role*  
by Leonard Michael Propper

★ *American Judicature Society  
Assists Lawyers from Abroad*

# The American Judicature Society

TO PROMOTE THE EFFICIENT  
ADMINISTRATION OF JUSTICE

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*Two Important Bar Associations*

MOST Journal readers know that Dallas, Texas, will be the site of the 1956 convention of the American Bar Association next August. The American Judicature Society will be holding a meeting of its own there during the A.B.A. convention week. Many of us, however, are only dimly aware, if at all, that Dallas was host this month to another legal gathering, smaller in numbers, but broader in scope and of more importance and benefit to the American bar than most of us realize. This was the Ninth Conference of the Inter-American Bar Association, still in session when this issue of the Journal went to press.

There some five hundred delegates, visitors and guests, representing legal organizations from all parts of the Western Hemisphere, met for the usual round of addresses, group and committee meetings and entertainment features, such as are to be found at any bar meeting in this country. The working sessions were built around fourteen committees, covering public and private international law, constitutional, civil, commercial, fiscal, municipal, social and economic law, civil and criminal procedure, administrative law, legal education, and activities of lawyers. In these committees, groups of delegates listened to the reading of papers, debated their contents, and submitted recommendations for resolutions to be adopted by the main organization. Both English and Spanish were in constant use, adding to the liveliness of the debates. (It is harder to get your point across through an interpreter, but when you are

getting the worst of it you can always take refuge behind the language barrier yourself!)

Much of the work of the Conference dealt with matters within the special field of interest of this Journal and its readers. Committee VIII was studying administration and reform of criminal courts, extradition, parole and capital punishment. Committee VI dealt, among other things, with courtroom publicity, including the taking of photographs. Committee XII studied the teaching of law and administration of bar examinations, and Committee XIV was concerned with unauthorized practice of law; a uniform code of professional ethics, and integration of the bar.

### ***Bar Integration in Argentina***

No better example of the value of the work of this organization to the lawyers of this country can be found than its consideration of the integrated bar. The discussion was based on a paper advocating integration prepared by Dr. Julio Oscar Ojea of Buenos Aires, Argentina. Delegates from that country were scarce at conferences held during the Peron dictatorship, due to governmental disapproval, but this year Argentina was well represented by a large contingent of brilliant and personable lawyers.

It may come as a shock to American lawyers who view integration as an instrument of regimentation and coercion to learn that the Argentine lawyers, who know more from bitter experience about regimentation and coercion than we of this country, please God, hope ever to know, were leading advocates of integration. Some three-fourths of the Argentine provinces have the integrated bar. None was integrated during the dictatorship, and testimony at the Conference was that lawyers in the integrated provinces were better able to withstand intimidation and domination than the others. Now that Argentina is free again, the campaign for extension of integration to the remaining un-integrated provinces is being resumed. The committee voted to recommend endorsement of the principle of bar integration by the Association.

A highlight of the Conference was the address by Dr. Juan Francisco Linares, under-secretary of justice in the new Argentine government, describing how the Peron regime had demoralized and debased the judicial system to the point where judicial decisions were being made on telephoned instructions from the executive, and describing the effective steps taken by the new regime during the past six months to reestablish an able, upright and independent judiciary. Other outstanding addresses were delivered.

The Inter-American Bar Association was founded in 1940. This year's Conference is the second to be held in this country, the Sixth Conference having been held in Detroit, Michigan, in 1949. The Association's permanent headquarters are at 1129 Vermont Ave., Washington, D. C. Robert G. Storey of Dallas is its president this year, and William Roy Vallance of Washington has been its secretary-general since it was founded.

### ***The International Bar Association***

The International Bar Association, which maintains headquarters in New York at 501 Fifth Avenue, serves the same function on a world-wide rather than a hemispheric basis. A federation of national bar associations, its delegates represent most of the countries of the free world, and the exchange of ideas and viewpoints is correspondingly diverse.

The 1956 meeting of the International Bar Association will be held July 23 through 28 in Oslo, Norway. Under the leadership of Loyd Wright, former president of the American Bar Association, who is Speaker of its House of Deputies, another interesting and profitable program comparable to that of the Dallas meeting will be presented.

"Through the foresight of those who conceived the idea and saw these two organizations brought into being," said Mr. Wright recently, "I feel that the lawyers throughout the world, outside of the Iron Curtain, have a better understanding of us and we of them. Those who attend the meetings of the two organizations obtain an appreciation of our viewpoint of the

dignity of the individual under law and of the rule of government by law. The

accumulated effect thus far is hard to appraise, but I know it is substantial."

## Guest Editorial

### IMPROVEMENTS IN WISCONSIN'S JUDICIAL SYSTEM

Wisconsin has made an impressive record in overhauling and improving its judicial system and process in recent years. The 1951 legislature set the movement going. Traditionally, supreme court justices and circuit judges had been allowed to sit as long as they got reelected, no matter how elderly or infirm. In 1951 they were admitted to pension rights upon retiring at 70—a step forward.

The judicial council was created. It continuously studies and advises on improving the administration of justice. It gathers statistics, basic to such studies and hitherto almost wholly lacking, on the operation of courts at all levels.

Also in 1951 the overburdened judicial circuits that include Racine and Waukesha counties were relieved by making each a separate circuit with its own judge.

The 1953 legislature extended the pension coverage to county judges, added a tenth branch of the Milwaukee circuit court; enlarged the usefulness of the Milwaukee civil court; relieved the load on the Madison court by shifting Sauk county to another circuit, and won voter approval of a constitutional amendment doing away with superfluous short term elections to supreme and circuit court vacancies.

In 1955, adoption of another three-ply amendment was a further milestone. It compels supreme court justices and circuit judges to retire at 70 (the earlier law had to leave an option); it corrects an historic omission by requiring them to be lawyers; and it creates a reserve list of retired judges for occasional further service if able and willing. Also the 1955 legislature rounded out the judicial pension program by extending coverage to judges of municipal and other lesser courts

of record.

Judicial salaries have been advanced, though modestly. Supreme court justices were raised from \$10,000 to \$12,000 in 1949, and to \$14,000 last year, circuit judges from \$8,000 prior to 1947 in three jumps up to \$12,000 last year. (Milwaukee county may, and does, add \$4,000 to the state pay of circuit judges, and other circuits may add up to \$2,000.

Closely related to the improvement of justice is another major activity of recent years—modernization of state laws. A whole new body of corporation laws was enacted in 1951; school laws were overhauled in 1953, co-operative laws in 1955. The monumental new criminal and children's codes will take effect July 1 this year. And now the motor vehicle laws are being unscrambled and put in order.

Self-congratulatory as we may feel about all this progress, it still leaves us with a chaotic array of lower courts, varying greatly in jurisdiction, procedure and quality of judicial service. The goal of uniform, efficient courts, with equally prompt and skillful service in all parts of the state, is still un-reached.

Last year the legislature gave first approval to a constitutional amendment that will put all trial courts at the circuit level, with enough judges in each of several large administrative areas to handle all types of business, and with machinery for assigning them where needed.

The real test will come in the next legislature, with support of bar, bench and public to be mobilized in the interim. Such a unified court system would be a fitting climax to the parade of gains already made.—*The Milwaukee Journal.*

# To Robe or Not to Robe? -

## *A Judicial Dilemma*

By GLENN W. FERGUSON

LEGAL TRAINING nurtures a conservative approach. A lawyer treasures uniformity, and adherence to precedent in form and substance breeds uniformity. If a workable system evolves, the lawyer is reluctant to substitute untried innovations for established norms. As a result, each generation inherits accepted methods of procedure and symbols of office which permeate our legal institutions. It is the role of the judiciary to maintain rather than create, and violent political and social changes usually precede alterations in law-ways. Once the legal system reacts to the shock of political revolution or social upheaval, the resultant changes become part of the system, and reversion to pre-revolutionary precedent requires a new upheaval.

The American Revolution produced the stimulus necessary for radical judicial change. The substance of the common law was retained, but the trappings of judicial office were discarded. Thomas Jefferson and other leaders of the republic opposed judicial raiment, and the wig and robe became sym-

bols of a rejected system. The new democracy wanted to correlate the law with the new social experiment, and the aristocracy of the robe was eliminated.

As the centuries have passed, the judicial robe has reappeared, but in many states, the spirit of '76 still divides the legal profession into two articulate camps. If uniformity is the goal, the issue should be resolved.

### *Historical Derivation*

Judicial robes appeared in England in the fourteenth century. Their evolution is obscure, but their ecclesiastical origin is generally accepted. Originally, all judges and counsel were clerics who wore sacerdotal robes. When lay judges and lawyers replaced the clerics, the robes were retained. While the color and fashion of English judicial robes have varied during the past seven centuries, particular robes are still required for particular court functions. Today, every member of the High Court of Justice must own three sets of robes. Scarlet robes are worn on state and ceremonial occasions such as the opening of Parliament and during criminal trials. Violet robes are worn during other trials, and the black silk, or chancery,

robes are worn when the judges are discharging judicial functions which do not require a trial. Formerly, the King provided the judges with the material for their judicial garments, but today, the judges purchase the required robes at their own expense. The robe is the important symbol of English judicial office, and the vitality of the symbol was affirmed when the House of Commons defeated a motion to eliminate judicial robes in 1952.

### ***Judicial Robes in the United States***

American judges have not been color-conscious in donning judicial gowns. The black silk and rayon "Supreme Court Style" is the standard robe, and experiments with other colors have not been attempted.

During the eighteenth century, few judges in the United States wore robes. At the turn of the century, the highest appellate courts of several states authorized robes, and during the past fifteen years, the members of

eight more state supreme courts have appeared in black. At the present time, the justices of the highest appellate courts of 43 states wear robes on the bench. Only the highest courts in Arkansas, Missouri, North Dakota, Texas, and Wyoming have refused to adopt the practice. Of the 13 state intermediate appellate courts, 11 have sanctioned robes with Missouri and Texas abstaining.

While there is virtual unanimity at the appellate levels, state trial courts of general and limited jurisdiction are hopelessly divided. In seven states all trial court judges wear robes. In 24 states, some of the trial court judges appear in robes, and in 17 states, all of the trial court judges wear business suits on the bench.

In the federal court system, the members of the Supreme Court of the United States, the United States Circuit Courts of Appeal, the United States Court of Customs and Patent Appeals, the United States Court of

**THE LORD CHIEF JUSTICE of the Kings Bench, Charles Abbot, wears the traditional judicial gown and wig of the early eighteenth century. This photograph is reprinted through the courtesy of the Chicago Bar Record.**



Military Appeals, and most of the United States District Courts wear robes. Only the judges of the Tax Court of the United States and the United States District Courts in Arizona, Arkansas, and Montana appear without robes in the federal system.

### ***The Robe as a Symbol***

Status clothing is an accepted part of the American social process. The soldier and the policeman wear uniforms for identification, but in addition, the uniform is an overt symbol which differentiates function and office. We are all engaged in professional role-playing, and in order to play the role properly, we wear the vestments which are appropriate for our rung of the professional ladder. As we ascend the professional ladder, there is generally a greater need for the symbols which accompany increased responsibility. With the robe, the identification factor is reduced, but the symbol still serves to differentiate the role of the wearer. The vested choir adds an indefinable characteristic to the church service, the robe is an accepted part of the academic procession, the robe creates an aura of dignity at the chapter meetings of social fraternities, and the spokesman of a religious faith is expected to wear his robe in the pulpit and even on the street. The American public accepts the robe as a symbol of office in varying professional roles. An analysis of the desirability of the judicial robe should be discussed against this background of social acceptance.

### ***Justice and the Judge***

Polonius cautioned Laertes that ". . . ap-



*This standard "supreme court style" judicial robe is manufactured by Bentley & Simon, Inc. of New York City.*

parel oft proclaims the man." Time distorts meaning, and today, many who would advocate the advice of Polonius assert that "clothes make the man." This interpretation would offend Mr. Shakespeare. Proclaim, according to Webster, means to manifest openly, to announce, or to make known. The judicial robe announces the judge, it does not make the judge.

Roger Devlin of the Tulsa *Tribune* has said, "a few yards of black cloth cannot in themselves make a judicial giant out of a pygmy." The judicial robe announces to the world that a court of justice is in session. When we solicit help from a friend, we expect his help because he is a friend. Our relationship is personal and favoritism is a normal result of our friendship. When we appear before a judge, we expect justice not favoritism. Equality before the law is the goal, and the judge must play a universalistic rather than a personalistic role. The litigants and the public at large expect the judge to dispel his personal reactions, motives, and emotions. The robe is not worn as a raiment of the individual, but as a reminder to all of us that the man who wears the robe is dedicated to the difficult art of administering justice.

This is a government of laws, but our laws must be administered by men. History will substantiate the fact that much of our law has been derived from scripture and canonical elaboration. For example, the present law prohibiting the union of persons related by consanguinity or affinity was derived from the Levitical decrees. The law has sacred roots and as Chief Justice Weygandt of the

**Judicial Robes—Extent of Use**

| State                | Highest<br>Appellate<br>Court | State<br>Intermediate<br>Appellate<br>Court | Trial<br>Courts | Federal                  |
|----------------------|-------------------------------|---|-----------------|--------------------------|
|                      |                               |   |                 | U. S. District<br>Courts |
| Alabama              | Yes—1940                      | Yes   | Some            | Unknown                  |
| Arizona              | Yes—1952                      | ..  | None            | No                       |
| Arkansas             | No                            | ..  | None            | No                       |
| California           | Yes—1927                      | Yes   | Some            | Yes                      |
| Colorado             | Yes—1901                      | ..  | None            | Yes                      |
| Connecticut          | Yes—1910                      | ..  | Some            | Unknown                  |
| Delaware             | Yes—1935                      | ..  | All             | Yes                      |
| District of Columbia | Yes                           | Yes   | All             | Yes                      |
| Florida              | Yes—1949                      | ..  | Some            | Yes                      |
| Georgia              | Yes—1940                      | Yes   | Some            | Yes                      |
| Idaho                | Yes—1932                      | ..  | None            | Yes                      |
| Illinois             | Yes                           | Yes   | Some            | Yes                      |
| Indiana              | Yes                           | Yes   | Some            | Yes                      |
| Iowa                 | Yes—1927                      | ..  | Some            | Yes                      |
| Kansas               | Yes                           | ..  | Some            | Yes                      |
| Kentucky             | Yes                           | ..  | None            | Yes                      |
| Louisiana            | Yes—1912                      | Yes   | All             | Yes                      |
| Maine                | Yes                           | ..  | Some            | Unknown                  |
| Maryland             | Yes—1912                      | ..  | Some            | Unknown                  |
| Massachusetts        | Yes—1761                      | ..  | All             | Unknown                  |
| Michigan             | Yes                           | ..  | Some            | Yes                      |
| Minnesota            | Yes—1925                      | ..  | Some            | Unknown                  |
| Mississippi          | Yes—1949                      | ..  | None            | Yes                      |
| Missouri             | No                            | No  | Some            | Yes                      |
| Montana              | Yes                           | ..  | None            | No                       |
| Nebraska             | Yes—1929                      | ..  | None            | Yes                      |
| Nevada               | Yes—1935                      | ..  | None            | Yes                      |
| New Hampshire        | Yes—1922                      | ..  | Some            | Unknown                  |
| New Jersey           | Yes                           | Yes   | All             | Yes                      |
| New Mexico           | Yes                           | ..  | None            | Unknown                  |
| New York             | Yes                           | Yes   | Some            | Yes                      |
| North Carolina       | Yes—1940                      | ..  | Some            | Yes                      |
| North Dakota         | No                            | ..  | None            | Yes                      |
| Ohio                 | Yes—1900                      | Yes   | Some            | Unknown                  |
| Oklahoma             | Yes—1952                      | ..  | Some            | Yes                      |
| Oregon               | Yes—1914                      | ..  | Some            | Yes                      |
| Pennsylvania         | Yes                           | Yes   | All             | Yes                      |
| Rhode Island         | Yes—1900                      | ..  | Some            | Yes                      |
| South Carolina       | Yes—1900                      | ..  | All             | Yes                      |
| South Dakota         | Yes                           | ..  | None            | Unknown                  |
| Tennessee            | Yes—1935                      | Yes   | Some            | Yes                      |
| Texas                | No                            | No  | None            | Unknown                  |
| Utah                 | Yes—1938                      | ..  | None            | Unknown                  |
| Vermont              | Yes                           | ..  | None            | Yes                      |
| Virginia             | Yes                           | ..  | Some            | Yes                      |
| Washington           | Yes—1909                      | ..  | All             | Yes                      |
| West Virginia        | Yes—1905                      | ..  | Some            | Unknown                  |
| Wisconsin            | Yes                           | ..  | None            | Yes                      |
| Wyoming              | No                            | ..  | None            | Unknown                  |
| Federal              | Yes                           | Yes   | Most            | ..                       |

The years in the highest appellate court column refer to the dates robes were authorized. The dots in the intermediate appellate court column mean that the state court organization does not include an intermediate appellate court. Information for many jurisdictions was either incomplete or unavailable.

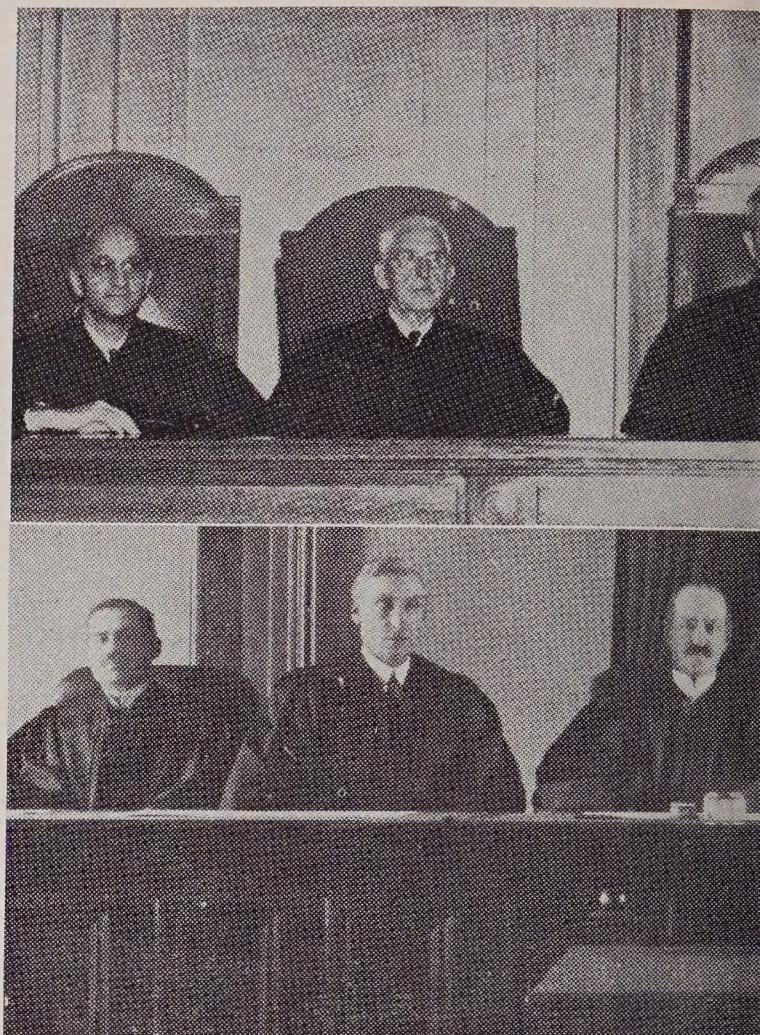
Supreme Court of Ohio has said, the judicial robe "serves as a constant admonition to the conscience of the judge himself in the discharge of his solemn duty as a minister of justice." If the law must be administered by men, then a symbol which remind us all of the nature of the judicial function should have a salutary effect.

### **Form or Substance?**

While the advantages of wearing judicial robes are couched in general, impersonal terms, the disadvantages are commonly expressed in a highly personalized form. Judges who are opposed to wearing robes have stated that robes are warm in summer, bulky in the winter, and inconvenient; that the cost is prohibitive, the added formality might provoke political criticism, the personal modesty of the judge precludes the wearing of robes, there is established precedent for wearing business suits, most men of character reveal themselves without status clothing, and robes would produce inordinate formality in small trial courts. Most of these objections can be answered with dispatch. Remedies such as air conditioning and a clothing allowance are readily available.

Only one man has raised more fundamental questions concerning the basic philosophy behind the judicial robe. That man is Judge Jerome Frank, and his arguments pertaining to the "Cult of the Robe" should be considered.

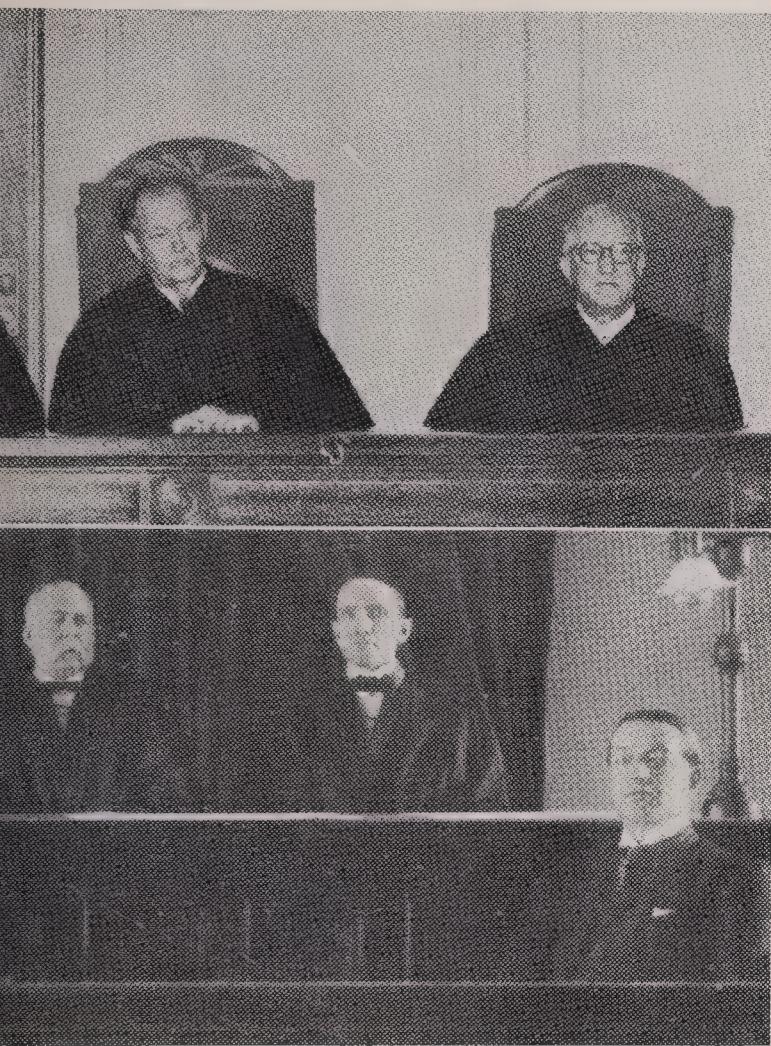
Judge Frank maintains that the judicial robe lacks esthetic value and does not even possess the utility of the military uniform. "The judge's vestments are historically connected with the deplorable desire to thwart democracy by means of the courts." The robe, according to Judge Frank, nourishes pomposity, intimidates laymen who appear in the court, and serves to shield the judge from rational inquiry. "The mediocre lawyer who has become a judge can avail himself of the robe to conceal his incompetence." Judge Frank asserts that the robe induces no major



*THE CONCEPT of uniformity is best expressed by these photographs. The top picture of the Supreme Court of Arizona was taken in 1952. The bottom picture of the Territorial Supreme Court of Alaska was taken in 1953.*

transformation in the personality of the judge, and more important, it has adverse effects on the administration of justice. "Unfrock the judge, have him dress like ordinary men, become in appearance like his fellows, and he may well be inclined to talk and write more comprehensibly."

Judge Frank is advocating a return to "shirt-sleeve justice." As the spokesman for a movement which maintains that the law should be more directly related to life and the social process, it is submitted that Judge Frank has failed to differentiate fundamental substance and incidental form. It is not to be denied that some exceptional judges may



*Judge Frank of Arizona was taken in 1908. Both photographs appeared in The Phoenix Gazette.*

consider the robe superfluous. The exceptional judge may reverse the formalism of his status by shunning the robe, but as he was ascending the professional ladder, the gown may have assisted him in discharging the judicial function. As the late Dean Walter B. Kennedy said, Judge Frank has "ballooned a minor matter of dress into the inflated theory that judicial garb curbs and cabins the inner spirit of a great judge."

#### **Local Bar Action Needed**

Canon 36 of the Canons of Judicial Ethics of the American Bar Association provides that "proceedings in court should be so con-

ducted as to reflect the importance and seriousness of the inquiry to ascertain the truth," and Canon 5 provides that "a judge should be temperate, attentive, patient, impartial, and since he is to administer the law and apply it to the facts, he should be studious of the principles of the law and diligent in endeavoring to ascertain the facts." Although the Canons of Judicial Ethics do not refer specifically to judicial robes, it would appear that the overwhelming majority of state appellate and federal courts believe that judges are better prepared to comply with the spirit of the Canons when they are wearing the symbol of judicial office.

If the judicial robe is a desirable vestment for state appellate and federal judges, then it should be even more desirable for state trial court judges. The public appraises the efficiency of the judicial system on the basis of trial court performance. Manifestations of the range and vitality of human emotion are found in the trial court. If the trial judge is to maintain the dignity of the courtroom and to convince the participants of his universal role, an overt symbol stressing his dedication to justice will place the judicial function in the proper perspective.

Since the personal modesty of many trial judges precludes the authorization of judicial robes without prior recommendation from outside the courtroom, it is suggested that local bar associations pass resolutions urging trial judges to don the traditional robes. Such resolutions would enhance the prestige of judicial office, foster cooperation between the bench and the bar, and reassert the dedication of the judiciary to the goal of justice. As Professor Karl Llewellyn has said, "The robe is more than a symbol and far from a sham."

# *The Juvenile Court Judge -*

## *A New Concept of the Judicial Role*

*By LEONARD MICHAEL PROPPER*

PENNSYLVANIA recently demonstrated its leadership in the field of juvenile law by sponsoring the first Juvenile Court Institute, which was held in Pittsburgh from November 29th to December 3rd, 1955. There were gathered twenty juvenile court judges from throughout the country, representing every type of community, for the purpose of entering into discussion with each other and the leaders of the Institute. This, in an effort to formulate better procedures as a guide for those who are called upon by the country to perform the fundamentally-important function of a judge for troubled children.

Before the turn of the century a conclave such as this would have been impossible because of the fact that special laws and courts for juveniles were nonexistent. Almost simultaneously, in 1899, a judge, Ben B. Lindsey, of Colorado, and a group of public spirited citizens and attorneys in Illinois, were instrumental in having enacted in those two jurisdictions the first juvenile court laws in this country. Those statutes, which today have their counterparts in every state in the Union, set forth basic premises which, although at that time they were startling innovations, have now become a definite part of our system of jurisprudence.

To understand the role of the juvenile court judge, we must first be made aware of



*LEONARD MICHAEL PROPPER is judge of the Municipal Court of Philadelphia, Juvenile Division. He is a member of the executive committee of the Pennsylvania State Council of Juvenile Court Judges, and a Fellow of the Pennsylvania Mason Juvenile Court Institute. He has contributed articles on juvenile delinquency to newspapers and magazines.*

the concepts which comprise the basis of his work.

The law makers and courts of America have determined that juveniles (usually children under the age of 18) should be placed

in a special category and should, therefore, have their problems, be they of neglect, delinquency, abandonment or dependency, adjudicated in a special way by courts devoted solely to such problems. Thus has been evolved the theory of *parens patriae* — whereby the state acts, through its juvenile courts, as the parent of the children with complete power to correct and guide troubled youngsters, be the trouble of their own making or the result of other influences. Such theory comprehends, also, the protection of the community. There is no inconsistency here because the capable handling of the children protects not only the present but also the future of the community. *Parens patriae* can be considered the evolutionary result of the studies and experience of society in its search for an embracing formula that meets the needs of the juvenile in his struggle for conformity against factors produced by the complexities inherent in the social environment. It furnished the only prescription which the law can compound to assure immeasurable opportunity to the delinquent or dependent child for a life of adjustment — both to the law and to the moral code. The doctrine does not operate to the denial of the fundamental rights of anyone, or it could not have withstood the test of appellate study and review.

The net effect of the application of *parens patriae* has been twofold. In the first instance it creates courts, institutions and places of detention for juveniles separate from those inhabited by criminals and, secondly, it has as its primary objective the care, control and rehabilitation of the child. The tremendous responsibility and opportunity of carrying out this doctrine to its fullest is placed in the juvenile court and, by the nature of its parental functioning, in the juvenile court judge.

Unlike that of the judges of other courts, the scope of the work of the juvenile court judge does not begin and end with the court trial and its legal aspects. He hears the problems of the juvenile in a courtroom from

| Court Jurisdiction Over Juveniles |                |                |                              |
|-----------------------------------|----------------|----------------|------------------------------|
| State                             | Juvenile Court | Criminal Court |                              |
|                                   |                | concurr.       | exclusive                    |
| Alabama                           | 18             | 14-18          | none                         |
| Arizona                           | 18             | all            | none                         |
| Arkansas                          | 21             | 12-21          | none                         |
| California                        | 21             | 18-21          | none                         |
| Colorado                          | 18             | 10-21          | capital and life             |
| Connecticut                       | 16             | 16-18          | none                         |
| Delaware                          | 18f 17m        | 16-18          | capital offenses             |
| Florida                           | 18f 17m        | all            | any crime                    |
| Georgia                           | 16             | all            | capital and life             |
| Idaho                             | 18             | all            | none                         |
| Illinois                          | 18f 17m        | 10 & up        | crimes of violence           |
| Indiana                           | 18             | 16-18          | traffic violations           |
| Iowa                              | 18             | all            | capital and life             |
| Kansas                            | 16             | none           | murder                       |
| Kentucky                          | 18f 17m        | all            | none                         |
| Louisiana                         | 17             | none           | murder, rape, att. rape      |
| Maine                             | 17             | none           | infamous crimes              |
| Maryland                          | 18             | 18-21          | capital and life             |
| Massachusetts                     | 17             | none           | ditto                        |
| Michigan                          | 17             | 15-19          | none                         |
| Minnesota                         | 18             | all            | none                         |
| Mississippi                       | 18             | 14-18          | capital and life             |
| Missouri                          | 17             | 12-17          | none                         |
| Montana                           | 18             | all            | murder, mansl., armed crimes |
| Nebraska                          | 18             | 16-18          | none                         |
| Nevada                            | 18             | all            | none                         |
| New Hampshire                     | 18             | none           | none                         |
| New Jersey                        | 18             | 16-18          | murder, traffic              |
| New Mexico                        | 18             | all            | none                         |
| New York                          | 16             | 15             | none                         |
| N. Carolina                       | 16             | none           | 10 years imp.                |
| N. Dakota                         | 18             | 18-21          | none                         |
| Ohio                              | 18             | all            | none                         |
| Oklahoma                          | 18f 16m        | none           | none                         |
| Oregon                            | 18             | all            | none                         |
| Pennsylvania                      | 18             | 16-18          | murder                       |
| Rhode Island                      | 18             | 16-18          | traffic violations           |
| S. Carolina                       | 18f 16m        | all            | capital and life             |
| S. Dakota                         | 18             | all            | none                         |
| Tennessee                         | 17             | none           | capital and life             |
| Texas                             | 18f 17m        | none           | homicide                     |
| U. S.                             | 18             | all            | capital and life             |
| Utah                              | 18             | 14-18          | none                         |
| Vermont                           | 16             | none           | capital offenses             |
| Virginia                          | 18             | none           | none                         |
| Washington                        | 18             | 17-18          | none                         |
| W. Virginia                       | 18             | 14-18          | capital offenses             |
| Wisconsin                         | 18             | 16-18          | none                         |
| Wyoming                           | 21f 19m        | all            | none                         |
| D. C.                             | 18             | 16-18          | none                         |

Source: Hon. Dudley F. Sicher, retired justice, Domestic Relations Court, New York. From Juvenile Court Judges Journal.

which casual spectators are eliminated, and only the child, the parents, persons directly interested in the matter, and community service representatives are admitted. The formal adjudication of delinquency or dependency is but one of his functions. In addition to the adjudication the judge takes on those added incidents of his position which mark him and his court separate and apart from other judges and other courts.

Both before and after the adjudicative process the juvenile court judge is the guiding hand of a system which calls into play the techniques of the medical and social sciences. These techniques are unavailable in traditional courts and they encompass investigating and supervising probation officer staffs, cooperating public and private social agencies and psychiatric and psychological help, inside and outside the court. The primary concerns of the juvenile court judge are his ascertainment of the fact that the child needs his help and ascertainment of the reasons for the child having been brought before him to obtain such help. Was it by reason of a parental deficiency? Have the school or community resources failed either to reach the child or failed to render sufficient services to prevent the child from arriving at this point? Has the child rejected these resources, and why? Has the child become a psychiatric problem or has the psychologist determined that his failure to conform comes about by his inability to comprehend and adjust? All these and many other questions might be posed for an answer to the combination of legal, social and medical resources which the juvenile court judge has at his command. And thereafter — having determined, as well as possible, the deficiencies in this particular child, the judge must appraise the facilities in his court and in his community in order that his decision might be consistent with the findings of the investigation. In some instances he might discover that the facilities offered to him by his court or his community or his state are insufficient, either by way of treatment or prevention, to cope adequately

with this specific problem. It is then incumbent upon him to advise those upon whom the responsibility rests for the service, or lack of it, that a matter before him has no proper solution. His role at this juncture becomes that of a pseudo-lobbyist for the obtaining of the needed service.

It is understandable that all of the foregoing is the most important function of the juvenile court judge. The juvenile court law gives him the power to expound to its fullest the doctrine of *parens patriae*; the hearing is not a criminal trial but is a proceeding initiated to save the child from the ordeal of a criminal trial; the child commits delinquencies, not crimes, therefore the judge cannot compile a criminal record for the child as he treats with his problems of delinquencies; the hearings are closed to the general public in order that the rehabilitative and treatment process might not be impeded by the blight of public censure; to the juvenile court judge is given the privilege of holding himself out, to the child and his family and the community, as an official in whom reposes interest and power and understanding. But all of these may go for naught if the citizens and lawmakers of the community and the state fail to give to the juvenile court judge the tools to prevent, to investigate and to treat the delinquent or dependent child to the fullest extent!

In conclusion it must be remembered that the juvenile court judge must ever strive to uphold the basic premise of the juvenile court law — that premise which holds that our most important natural resource, the youth of our country, must be conserved and that the offender rather than the offense must be dealt with. He must stand firm against waves of emotionalism, of vigilantism, of appeals for punishment against all children for the misdeeds of the troubled few. In the final analysis he is the guardian of both the rights of the juvenile and of the community at large.

## New Alaskan Constitution Ratified

On April 24, the people of the Territory of Alaska ratified the "Constitution of the State of Alaska" by a majority of more than two to one. The Constitution was approved in the course of Alaska's regular primary election and the decisive vote is testimony to the successful efforts of the fifty-five elected delegates to the Constitutional Convention. The convention met at the University of Alaska, and after seventy-four days of careful drafting, the proposed Constitution was signed on February 5, 1956, by all but one of the delegates.

The Judiciary Article provides for a unified judicial system comprised of a supreme court, a superior court, and courts established by the legislature. The supreme court, consisting of three justices, is granted final appellate jurisdiction. The number of supreme court justices can be increased upon the request of the supreme court, and the legislature can increase the number of judges on the five-judge superior court which is the trial court of general jurisdiction.

The Constitution also provides for a seven-member judicial council. Three lawyer mem-

bers will be selected by the state bar association and three lay members will be selected by the governor subject to legislative confirmation. The members of the council are forbidden to hold federal or state positions during their appointments with the exception of the chief justice of the supreme court who will serve as ex-officio chairman.

All judges are to be selected by the governor from a panel of qualified candidates submitted by the non-partisan judicial council. Three years after appointment, all judges are subject to approval or rejection by the electorate on a non-partisan ballot. The compensation of judges can not be diminished during their terms of office, and any judge filing a petition for elective public office forfeits his judicial position.

In addition, the Judiciary Article grants the supreme court rule-making power which includes the power to promulgate rules of procedure, and authorizes the chief justice, as the administrative head of all state courts, to appoint an administrative director to supervise the administration of the judicial system.

*PLENARY SESSION of the Alaskan Constitutional convention hears a report by Mr. George Sundborg, Chairman of the Style and Drafting Committee.*



### *A.B.A. Supports Hoover Commission Recommendations*

Enactment into law of important recommendations of the Hoover Commission and its task force on legal services and procedure and of the President's Conference on Administrative Procedure is the new assignment of a special committee of the American Bar Association headed by Ashley Sellers of Washington, D. C.

The committee was set up a year ago to review the various recommendations of these bodies and of the A.B.A. sections and committees with respect to them. Its report was approved by the House of Delegates at its recent mid-year meeting.

Leading committee recommendations endorsed by the House include transfer of the Tax Court of the United States to the judicial branch of the government; establishment of one or more new courts in the same branch to take over judicial functions now being performed by certain administrative agencies; enactment of a new "Code of Administrative Procedure" to supplant the 1946 Administrative Procedure Act; establishment of an independent "Office of Administrative Procedure and Legal Services" in the executive department; professional supervision of all lawyers in the armed services by the general counsel of the Department of Defense; and enactment of more comprehensive and explicit legislation covering rights of persons or organizations to appear and be represented by others before federal agencies, giving due regard to appropriate distinction between legal and non-legal representation.

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### *Colorado Court Rejects Canon 35*

Rejection of A.B.A. Canon 35 and substitution for it of a rule giving control of courtroom publicity to the discretion of the trial judge was announced by the Supreme Court of Colorado following hearings before Justice O. Otto Moore as referee in February. The court's discretion is subject to the proviso that no witness or juror in attendance under subpoena or order of the court shall be

photographed or have his testimony broadcast over his expressed objection.

"There are doubtless many cases and portions thereof which, in the court's discretion to insure justice, should be withdrawn from reproduction by photo, film, radio or television," said Justice Moore. "The responsible leadership in each of these fields are in agreement that the trial court should have complete discretion to rule out all, or any part of, such activity in those instances where the proper administration of justice requires it."

Elaborating further on the power of the trial judge to control such publicity, the referee observed that the equipment used is such that "if any participant evidenced an intention to offend in this matter, all the judge would have to do would be to press a button and the offensive conduct would be inaudible and invisible to any person except those in the court room." This, said Jack Gould, *New York Times* commentator, may prove to be a "Pyrrhic victory" for the media, since they ought not to relish the idea of "push-button control."

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### *Lawyers Participate in Variety of Community Services*

How much do lawyers participate in and contribute to public activities and community services? Very substantially, according to a survey conducted three years ago for the Oklahoma Bar Association and confirmed by a similar study just completed for the Florida Bar.

Church work heads the list of lawyers' extra-curricular activities, with 86 per cent of the Oklahoma lawyers and well over 90 per cent of the Florida lawyers taking part in it. Some three-fourths of the lawyers of both states are active in fraternal and business organizations. Patriotic projects claim the services of about half of the Oklahomans and from half to two-thirds of the Floridians. More than half of both help in charitable causes. Nearly half are working with youth organizations in one way or another, and civil defense, educational, recreational and cultural activities also are included.

Neither survey undertook to compute just

how much time the lawyers give to these various community services, but the Florida survey did reveal that it runs up to five hours a week for single activities, or more in exceptional instances, and that most of them average something like an hour a week. Considering the number of activities that most of them are involved in, it appears that the public and community services of a great many lawyers take something like the equivalent of one working day's time per week.

Political activities, of course, account for a great deal of the outside interests of lawyers everywhere. Nearly all Oklahoma lawyers and a substantial majority of those in Florida give time to local, state or national political work other than seeking office for themselves.

The close correlation between the results of these two separate and independent surveys indicates that they may reasonably be taken as approximately representative of the situation in all other states as well. The Oklahoma survey, conducted under the supervision of Francis R. Cella, director of the Bureau of Business Research of the University of Oklahoma, was reported in a pamphlet published by the Oklahoma Bar. The Florida survey is described in an article by Dr. Bruce B. Mason, acting director of the Public Administration Clearing Service of the University of Florida, in this month's issue of the Florida Bar Journal.

### *Judicial Experience Proposed As Supreme Court Qualification*

Five years of prior judicial experience as a prerequisite to appointment to the Supreme Court of the United States would be required under legislation currently proposed by Senator George A. Smathers of Florida.

"The Supreme Court," said Smathers, "should not be a refuge for appointees drawn from the ranks of politicians, professors, or friends of the influential. The court should be reserved for judges."

Only one member of the present court, Justice Minton, would qualify under such a rule. Justices Harlan and Black also had some prior judicial experience, but less than five years. The other six justices have had none.

### *Items in Brief*

CONGESTION IN THE COURTS will be the topic of a two-day conference called by Attorney-General Herbert Brownell, Jr., to meet in Washington May 21 and 22. Presidents of bar associations and heads of other bar, judicial and research organizations have been invited. The American Bar Foundation has undertaken a preliminary study of the same problem to determine whether it should be added to its list of major research projects.

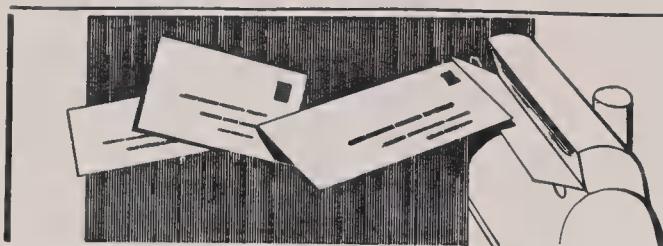
A NEW BUILDING for the Supreme Court of Texas, the Court of Criminal Appeals, Third Court of Civil Appeals, Attorney General's Department and the Supreme Court Library, will be built next year on a site one block northwest of the capitol building in Austin. Eight or nine stories high, of red granite, the structure will cost \$3 million.

30,000 NEW MEMBERS have been taken in by the American Bar Association in its recent drive. Total membership is now over 85,000, and the Association is pushing for the 100,000 mark by annual meeting time in August.

"A FORWARD LOOK at Judicial Administration in the Northwest" will be the subject of a luncheon meeting of the American Judicature Society at the Pacific Northwest Regional Meeting in Spokane, Washington, June 1. A similar program was presented at Hartford, Conn., April 18.

PERMISSION TO WITHDRAW from the practice of law has been granted by the Supreme Court of Florida on recommendation of the Board of Governors of the Florida Bar to a lawyer against whom charges of professional misconduct were pending.

USE OF PRE-TRIAL procedure in all trial courts of Pennsylvania is recommended in a resolution recently adopted by the Pennsylvania Bar Association.



## *The Reader's Viewpoint*

### *The Hippocratic Oath*

On page 131 of the February Journal, you mentioned a "Hippocratic Oath" for lawyers, and go on to say that "if any of our readers would like to have copies of it in decorative type, suitable for framing, we will arrange to supply them." Please send me two copies suitable for framing. I think this is most excellent, and I would like to have it framed and on my wall at the earliest possible moment.

My practice is getting more and more exclusively into trial work all of the time, and I have never seen a finer set of rules to follow. It will be an excellent guide to me at all times, although I have always tried to practice it anyway.

It is disheartening to me that there is still a substantial number of lawyers who regard a trial as a match of wits or a contest between two lawyers rather than a search for the truth, nothing more and nothing less. This "Hippocratic Oath" puts into words very nicely all of the feelings which I have had in this regard for a considerable period of time.

ALFRED Y. KIRKLAND

Tower Building  
Elgin, Illinois

I read with genuine interest and approval, Justice Joseph M. Proskauer's suggested text of "a sort of Hippocratic oath" for lawyers, contained in the February Journal.

Your offer to supply to lawyers copies of the oath in decorative type, suitable for framing, suggests an intriguing idea. Could not you arrange to supply to judges "a sort of Hippocratic oath" for judges which they could frame and have hung in a conspicuous place in the court room or chambers. The

text of such an oath might read somewhat as follows:

"I will be temperate, attentive, patient, impartial and diligent in endeavoring to ascertain the facts.

"I will be courteous to counsel.

"I will not be swayed by partisan demands, public clamor or considerations of personal popularity or notoriety, nor be apprehensive of unjust criticism.

"I will make only fair comment upon the evidence and will not assume an advocate's role in the trial of a case.

"I will cooperate with counsel to secure the speedy disposition of cases by prompt attendance in court and by ruling promptly on post-trial motions.

"I will not continue jury cases in order to compel counsel to waive trial by jury.

"I will share equally the burden of the court's business with my judicial colleagues."

Before the oath of office is administered in open court to an applicant seeking admission to practice before the Orphans Court of Philadelphia, he is directed to read aloud from the Canons of Professional Ethics and, by way of response, a member of the Court reads aloud an excerpt from the Canons of Judicial Ethics.

Professional ethics and judicial ethics go together like love and marriage. "You can't have one, and you can't have none without the other."

HERMAN I. POLLOCK  
Philadelphia Voluntary Defender Assn.  
4 South Fifteenth Street, Philadelphia 2, Pa.

### *Wild Bill and the Courts*

In announcing the settlement by agreement of a hard-fought divorce suit, a newspaper story recently stated:

"The peaceful ending of the bitter do-

mestic dispute came as a disappointment to the large number of spectators who remained in the district courtroom all day long, expecting new fireworks."

It seems to me that the attitude thus portrayed has much significance for the current debate over extending the privileges of photography, and, particularly, of television inside the courtroom and during the progress of trials. Regardless of how little actual physical interference there may be with the proceedings, is it in the public interest to encourage the view that judicial proceedings are a form of public entertainment, and to bring them into the home on the same level with the apocryphal history of Wild Bill Hickok and the levity of Groucho Marx? Is it desirable for litigants and witnesses to realize that they are on a stage, with all their emotional and mental reactions served up for the delectation of the general public? Is that the way to "establish Justice?"

MAURICE H. MERRILL

The University of Oklahoma  
Norman, Oklahoma

### Japanese Judge Thanks Society for Assistance

I wish to tell you how very much I appreciate your introducing me to the state courts during my recent visit to Chicago. I would not have observed much of the courts if you had not made arrangements for me so kindly. I, too, was much interested in the activities of your Society. I regret that Japan does not have any of this sort of institutions and the Japanese lawyers in general seem to be less concerned about the improvement of judicial administration in general though they are earnest in their own professional business.

I reached here, Palo Alto, a few days ago and have just settled. I will spend two months here to do research work at the Stanford University and to observe the courts in this area as well.

TAKAAKI HATTORI

District Court  
Tokyo, Japan

| MICHIGAN UNIFORM TRAFFIC TICKET AND COMPLAINT  |  |            |                        |  |  |
|--|--|------------|------------------------|--|--|
| CASE NO.   |  | DOCKET NO. | PAGE NO.               |  |  |
| STATE OF MICHIGAN<br>COUNTY OF MIDLAND<br>CITY OF MIDLAND  |  | ss.        | No. 07377<br>COMPLAINT |  |  |
| IN THE MUNICIPAL COURT OF MIDLAND, MICHIGAN<br>THE UNDERSIGNED, BEING DULY SWORN, UPON HIS OATH DEPOSES AND SAYS:  |  |            |                        |  |  |
| ON THE _____ DAY OF _____, 19____, AT _____ M.   |  |            |                        |  |  |
| NAME _____ (Please Print)  |  |            |                        |  |  |
| STREET _____   |  |            |                        |  |  |
| CITY - STATE _____   |  |            |                        |  |  |
| BIRTH DATE _____ RACE _____ SEX _____ WT. _____ HT. _____  |  |            |                        |  |  |
| OP. LIC. NO. _____ DID UNLAWFULLY (PARK) (OPERATE)   |  |            |                        |  |  |
| VER. LIC. NO. _____ STATE _____ YEAR _____   |  |            |                        |  |  |
| MAKE _____ BODY TYPE _____ COLOR _____   |  |            |                        |  |  |
| UPON A PUBLIC HIGHWAY, NAMELY AT (LOCATION) _____  |  |            |                        |  |  |
| LOCATED IN THE CITY, COUNTY AND STATE AFORESAID AND DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE:   |  |            |                        |  |  |
| <input type="checkbox"/> SPEEDING (over limit) <input type="checkbox"/> 5-10 m.p.h. <input type="checkbox"/> 11-15 m.p.h. <input type="checkbox"/> over 15 m.p.h.<br><input type="checkbox"/> (____ m.p.h. in ____ m.p.h. zone) <input type="checkbox"/> Improper LEFT TURN <input type="checkbox"/> No signal <input type="checkbox"/> Cut corner <input type="checkbox"/> From wrong lane<br><input type="checkbox"/> Improper RIGHT TURN <input type="checkbox"/> No signal <input type="checkbox"/> Into wrong <input type="checkbox"/> From wrong lane<br><input type="checkbox"/> Disobeyed TRAFFIC SIGNAL (When light turned red) <input type="checkbox"/> Past middle intersection <input type="checkbox"/> Middle of intersection <input type="checkbox"/> Not reached intersection<br><input type="checkbox"/> Disobeyed STOP SIGN <input type="checkbox"/> Wrong place <input type="checkbox"/> Walk speed <input type="checkbox"/> Faster<br><input type="checkbox"/> Improper AND PASSING <input type="checkbox"/> AT intersection <input type="checkbox"/> Cut in <input type="checkbox"/> Wrong side of pavement<br><input type="checkbox"/> LANE USAGE <input type="checkbox"/> Between <input type="checkbox"/> Traffic <input type="checkbox"/> On right <input type="checkbox"/> On hill<br><input type="checkbox"/> Lane <input type="checkbox"/> Straddling <input type="checkbox"/> Wrong lane <input type="checkbox"/> On curve   |  |            |                        |  |  |
| OTHER VIOLATIONS (describe) _____  |  |            |                        |  |  |
| IN VIOLATION OF the (statute) (ordinance) in such case made and provided.  |  |            |                        |  |  |
| PARKING: Meter No. _____ <input type="checkbox"/> Overtime <input type="checkbox"/> Prohibited area <input type="checkbox"/> Double parking<br><input type="checkbox"/> Other parking violation (describe) _____   |  |            |                        |  |  |
| <b>Principal Causes of Accidents</b><br><input type="checkbox"/> SLIPPERY <input type="checkbox"/> Rain <input type="checkbox"/> TO DODGE <input type="checkbox"/> ACCIDENT<br><input type="checkbox"/> PAVEMENT <input type="checkbox"/> Snow <input type="checkbox"/> Pedestrian <input type="checkbox"/> Ped. <input type="checkbox"/> Vehicle<br><input type="checkbox"/> <input type="checkbox"/> Ice <input type="checkbox"/> Driver <input type="checkbox"/> Intersection<br><input type="checkbox"/> DARKNESS <input type="checkbox"/> Night <input type="checkbox"/> Pedestrian <input type="checkbox"/> Right Angle<br><input type="checkbox"/> <input type="checkbox"/> Fog <input type="checkbox"/> Snow <input type="checkbox"/> Head on<br><input type="checkbox"/> OTHER TRAFFIC <input type="checkbox"/> Cross <input type="checkbox"/> JUST MISSED <input type="checkbox"/> Head on<br><input type="checkbox"/> PRESENT <input type="checkbox"/> Oncoming <input type="checkbox"/> one foot <input type="checkbox"/> Sidewise<br><input type="checkbox"/> <input type="checkbox"/> Pedestrian <input type="checkbox"/> Same Direction <input type="checkbox"/> Rear end<br><input type="checkbox"/> AREA: <input type="checkbox"/> Business <input type="checkbox"/> Industrial <input type="checkbox"/> School <input type="checkbox"/> Residential <input type="checkbox"/> Rural<br><input type="checkbox"/> HIGHWAY TYPE: <input type="checkbox"/> 2 lane <input type="checkbox"/> 3 lane <input type="checkbox"/> 4 lane <input type="checkbox"/> 4 lane divided <input type="checkbox"/> Hit Fixed Object |  |            |                        |  |  |
| THE UNDERSIGNED FURTHER STATES THAT <input type="checkbox"/> HAS JUST AND REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE PERSON NAMED ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH, CONTRARY TO LAW. SWORN TO AND SUBSCRIBED BEFORE ME  |  |            |                        |  |  |
| THIS _____ DAY OF _____, 19____, <input type="checkbox"/> (Signature and identification of officer or other complainant.)<br>(Deputy Court Clerk)  |  |            |                        |  |  |
| COURT APPEARANCE: <input type="checkbox"/> DAY OF _____, 19____, AT _____ M.<br>ADDRESS OF COURT _____ MUNICIPAL BUILDING  |  |            |                        |  |  |
| Handysets—Pat'd—Mfd. By Weger Business Systems, Inc., 117 W. Shiawassee St., Lansing 1, Mich.<br>Prepared by American Bar Association Traffic Court Program<br>4053228   |  |            |                        |  |  |

FIVE STATES now use the uniform traffic ticket and complaint pictured above. They are New York, New Jersey, North Dakota, Michigan, and, since January 3, 1956, Illinois. In addition, some 1,500 cities have adopted it in one form or another. It promotes uniformity of traffic law interpretation, instructions to officers, and preparation of cases by prosecutors. It also acquaints the violator with the exact nature of his offense and educates the public as to the type of offenses that result in tickets and accidents. The uniform ticket is sponsored by the Traffic Court Program of the American Bar Association.

**Make use of our services—clip  
and mail this coupon.**

**AMERICAN JUDICATURE SOCIETY**  
1155 East Sixtieth Street  
Chicago 37, Illinois

**A. Please send the following information:**

|                          |  |
|--------------------------|--|
| <b>Free<br/>Material</b> | <b>All Material<br/>(Nominal Charge)</b> |
|--------------------------|--|

|  |                          |
|--|--------------------------|
| <input type="checkbox"/> <b>Judicial Administration, General</b> | <input type="checkbox"/> |
| <input type="checkbox"/> <b>Organization of Courts</b>           | <input type="checkbox"/> |
| <input type="checkbox"/> <b>Minor Courts</b>                     | <input type="checkbox"/> |
| <input type="checkbox"/> <b>Selection of Judges</b>              | <input type="checkbox"/> |
| <input type="checkbox"/> <b>Judicial Salaries</b>                | <input type="checkbox"/> |
| <input type="checkbox"/> <b>Public Relations of the Bar</b>      | <input type="checkbox"/> |
| <input type="checkbox"/> <b>Integration of the Bar</b>           | <input type="checkbox"/> |
| <input type="checkbox"/> <b>Pre-Trial Procedure</b>              | <input type="checkbox"/> |
| <input type="checkbox"/> <b>Selection of Jurors</b>              | <input type="checkbox"/> |
| <input type="checkbox"/> <b>Judicial Councils</b>                | <input type="checkbox"/> |
| <input type="checkbox"/> <b>Other</b> .....                      | <input type="checkbox"/> |

**B. Please send the following books:**

|   |
|---|
| <input type="checkbox"/> <b>Beaney, The Right to Counsel in American Courts (\$4.50).</b>             |
| <input type="checkbox"/> <b>Brown, Manual of Preventive Law (\$5.00).</b>                             |
| <input type="checkbox"/> <b>Brownell, Legal Aid in the United States (\$4.50).</b>                    |
| <input type="checkbox"/> <b>Drinker, Legal Ethics (\$4.00).</b>                                       |
| <input type="checkbox"/> <b>Nims, Pre-Trial (\$5.75).</b>   |
| <input type="checkbox"/> <b>Phillips and McCoy, Conduct of Judges and Lawyers (\$5.00).</b>           |
| <input type="checkbox"/> <b>Tinkham, Public Relations for Bar Associations (ABA Manual) (\$3.00).</b> |
| <input type="checkbox"/> <b>Vanderbilt, Minimum Standards of Judicial Administration (\$7.50).</b>    |
| <input type="checkbox"/> <b>Virtue, Basic Structure of Children's Services in Michigan (\$5.00).</b>  |
| <input type="checkbox"/> <b>Virtue, Survey of Metropolitan Courts, Detroit Area (\$5.00).</b>         |
| <input type="checkbox"/> <b>Winters, Bar Organization and Activities (\$4.00, 10 or more \$3.00).</b> |
| <input type="checkbox"/> <b>Other</b> .....   |
| <br>.....   |
| <input type="checkbox"/> <b>\$ ..... enclosed. <input type="checkbox"/> Bill me.</b>                  |

(Please type or print)

NAME .....

STREET .....

CITY AND STATE .....

**National Legal Aid Receives  
Ford Foundation Grant**

The National Legal Aid Association has received a \$300,000 grant from the Ford Foundation to promote organized legal aid in the United States. The grant will be spread over a three-year period and will help finance a four-point development program. The goals of the program are to provide counsel for indigent defendants in criminal cases through extension of the defender system; to extend organized legal aid in 38 additional cities with populations of more than 100,000; to encourage local and state bar associations to provide legal aid services for smaller communities, and to strengthen existing legal aid facilities in rapidly growing metropolitan areas.

Since 1949, the number of legal aid offices has grown from 87 to 161, and the number of cases handled from 317,300 to 443,800 per year. Despite this impressive increase in legal aid services, additional facilities are urgently needed in many communities in the United States.

In addition, the National Legal Aid Association has announced that public service awards will be made to bar associations establishing legal aid services meeting the accepted minimum standards. The first of such presentations will take place in August, 1956, at the American Bar Association annual convention in Dallas, Texas.

**U. S. Law Books Are Presented  
To Pakistan Federal Court**

Requests for gifts of American law books to be sent to Far Eastern courts and judges, widely published in bar journals during the past year, have resulted in many hundreds of such donations.

A collection of 500 such books was presented last November to the Federal Court of Pakistan at Lahore, Pakistan, by United States Consul-General Ernest E. Fisk. It included complete new sets of *American Jurisprudence* and United States Supreme Court reports and digests, donated by the

publishers, as well as a considerable number of textbooks from other donors.

In his presentation speech, Mr. Fisk declared that a mutual respect for law is one point of similarity between our two countries, and he expressed the hope that the bond of law between the two may be strengthened. The books were accepted by Chief Justice Mohammad Munir for the court.

"Interest in American law in this sub-continent," he said, "is very recent. Of course, we have always been familiar with such books as Professor Wigmore's work on evidence, *Corpus Juris* and *Ruling Case Law*, but it was with the commencement of the Government of India Act, 1935, which gave the federal form of government to India, that we first came in closer contact with great legal minds of the United States.

"The constitution of the United States of America being in many respects similar to our own, we are naturally led to look for assistance from the judgments of the Supreme Court of the United States in the solution of difficult constitutional problems."

Additional gifts of law books from publishers, firms and individuals are still needed for this and other far eastern countries. Such gifts will be an important contribution toward pleasant relations between our country and the people of these lands. For further information and instructions, communicate with

Chief Justice Robert G. Simmons, Supreme Court of Nebraska, Lincoln, Nebraska.

**JUSTICE and FREEDOM**  
**go hand in hand!**

We salute the men and women of Florida's legal profession! They are part of a judicial system which, free to act without fear of State control or bureaucratic reprisals, has guaranteed to Americans equal justice...has provided a bedrock of law and order on which we have built the world's strongest nation...the world's best living.

Another lead in electric power, too! Keeping it that way calls for partnership and cooperation between electric companies, local and federal agencies. With government and industry joining forces, our world-wide industrial supremacy becomes vastly more secure.

Pushing ahead on the greatest expansion program in its history...with power-generating capacity tripled since VJ Day...with even bigger plans for the future...our Company is pledged to help make our State, and Nation, a better, happier place in which to work and live.

**FLORIDA POWER & LIGHT COMPANY**

**THIS INSTITUTIONAL ADVERTISEMENT** is one of a series which received the Freedoms Foundation's top national award at Valley Forge, Pa., on February 22.

## *Echoes from the Past*

*(From the Journal of the American Judicature Society, April, 1931)*

"Eighty years ago a student learned his law primarily in the practice, and to a certain extent, at the expense of his clients. Today the question fairly is: is there any real necessity for a young lawyer learning *all* of his law at the expense of his clients?"

PROFESSOR BERNARD C. GAVIT

**Bench and Bar Calendar****April**

4-5—Kentucky State Bar Association, Louisville.  
 4-6—American Public Relations Association, Washington, D. C.  
 6-7—South Carolina Bar Association, Spartanburg.  
 9-11—Traffic court conference, Lansing, Mich.  
 11-14—Dedication of University of Illinois Law School, Urbana.  
 15-18—Northeastern Regional Meeting, American Bar Association, Hartford, Conn.  
 16-21—Inter-American Bar Association, Dallas, Texas.  
 19-26—Oklahoma Bar Association—Know Your Liberties—Know Your Courts Week.  
 26—Oklahoma University Law Day, Norman.  
 26—Delaware State Bar Association, Wilmington.  
 28—Harvard Law School Annual Meeting, Cambridge.  
 29-May 2—Louisiana State Bar, Biloxi, Miss.

**May**

2-5—Illinois State Bar Association, Springfield.  
 3-5—Traffic court conference, St. Paul, Minn.  
 4-5—Virginia State Bar, Richmond.  
 10-12—Florida Bar, Hollywood Beach.  
 10-12—Bar Association of the State of Kansas, Kansas City.  
 10-12—New Jersey State Bar Association, Atlantic City.  
 14-16—Traffic court conference, Dover, Delaware.  
 14-16—Traffic court conference, St. Louis, Missouri.  
 17-19—Ohio State Bar Association, Toledo.  
 23-24—American Law Institute, Washington.  
 23-26—Iowa State Bar Association, Des Moines.  
 24—Delaware State Bar, Wilmington.  
 24-25—Utah State Bar, Salt Lake City.  
 24-26—State Bar of Arizona, Flagstaff.  
 24-26—Georgia Bar Association, Savannah.  
 24-26—Iowa State Bar Association, Des Moines.  
 28-30—Traffic court conference, Miami, Florida.  
 31-June 2—Regional meeting, American Bar Association, Spokane, Wash.

**June**

7-8—Arkansas Bar Association, Hot Springs.  
 13-15—Traffic court conference, Columbus, Ohio.

14-16—Bar Association of Tennessee, Nashville.  
 15-16—Massachusetts Bar Association, Plymouth.  
 18-23—Institute on Science in Law Enforcement Western Reserve University, Cleveland.  
 21-22—Wisconsin Bar Association, Madison.  
 21-23—Mississippi State Bar, Jackson.  
 21-23—Maryland State Bar, Atlantic City.  
 25-28—Pennsylvania Bar Association, Spring Lake Beach, N. J.  
 29-30—Bar Association of the State of New Hampshire, Jefferson.

**July**

12-14—Idaho State Bar, Sun Valley.  
 23-28—International Bar Association, Oslo, Norway.

**August**

9-11—State Bar Association of North Dakota, Minot.  
 9-11—Washington State Bar, Tacoma.  
 27-31—American Bar Association, Dallas, Texas.  
 28-30—Maine State Bar Association, Rockland.

**September**

17-21—State Bar of California, Los Angeles.  
 26-28—State Bar of Michigan, Grand Rapids.  
 26-29—Oregon Bar, Annual Meeting, Gearhart.

**October**

12-13—West Virginia State Bar Association, Parkersburg.  
 18-19—Nebraska State Bar Association, Omaha.  
 18-20—Colorado Bar Association, Colorado Springs.

**November**

1-3—Regional meeting, American Bar Association, Baltimore, Md.  
 28-Dec. 1—Oklahoma Bar Association, Tulsa.

**1957****July**

American Bar Association, New York, week of July 8, and London, England, week of July 24.

**1958****August**

25-29—American Bar Association, Los Angeles.

**1959****August**

24-28—American Bar Association, Washington, D. C.

## *Model Disciplinary Code Wins ABA Approval*

A code of model rules of court for disciplinary proceedings, the product of four years of work by a special committee of the American Bar Association, was given the approval of the Association's House of Delegates at its recent mid-year meeting in Chicago.

The project had its inception four years ago in the Conference of Bar Association Presidents, which discussed professional discipline in its sessions and recommended that the American Bar Association exert its leadership toward the procurement of uniform and effective enforcement of the standards of conduct prescribed by the Canons of Professional and Judicial Ethics. The Board of Governors authorized and President Howard L. Barkdull appointed a Special Committee on Disciplinary Procedures, with Forrest C. Donnell, later succeeded by Judge Orie L. Phillips, as chairman.

Early in its deliberations the committee came to the conclusion that before dealing with procedures it should first draft a statement of principles upon which the procedures should be based. Such a statement was approved by the House of Delegates the following year. Thereafter a tentative draft of the rules was completed and given wide distribution for suggestions and criticisms. A second tentative draft was distributed a year

ago and again suggestions were widely solicited. The final draft was approved at the 1956 mid-year meeting.

The committee has repeatedly emphasized that it does not regard the rules as a uniform draft to be adopted as such in the several jurisdictions, but rather as a model, to be modified as may be necessary to meet local conditions, and as suggestions for possible improvement of existing rules. By the same token, the recommendations as to procedure are not intended to apply to those states where adequate procedures are now provided.

The House of Delegates adopted a recommendation that the draft rules and the statement of principles be printed and disseminated to judges of courts of last resort, to state and local bar associations, to chairmen of grievance committees and to other organizations; and that the Conference of Chief Justices and the Conference of Bar Presidents be requested to use their good offices to bring about adoption by the courts of last resort in the several states of rules based on the model draft, modified as may be necessary to meet local conditions.

To aid in that dissemination, the Journal publishes herewith the full text of the statement of principles and the model rules.

### **STATEMENT OF PRINCIPLES**

The purpose of discipline of lawyers is the protection of the public, the profession and the administration of justice, and not the punishment of the person disciplined.

Only persons of integrity and good character should be permitted to practice law.

Persons admitted to practice law in the state are a part of the judicial system of such state and officers of its courts.

A license to practice law confers no vested right, but is a conditional privilege revocable for cause.

The highest court of the state has the inherent power and the duty to prescribe the qualifications that shall be required for admission to practice law, to admit persons to practice law, to prescribe standards of conduct for lawyers, to determine what constitutes grounds for the discipline of lawyers; to discipline, for cause, persons admitted to practice law in such state, and to revoke the license of every lawyer whose unfitness to practice law has been duly established. Such court may not properly delegate the final exercise of such power or duty, or recognize the existence of either elsewhere than in itself.

It is impossible to determine at the time of the revocation of a license to practice law, when, if ever, the person whose license is revoked will become qualified for readmission. Therefore, revocation should not be for a stated period and should place on the person whose license has been revoked and who seeks readmission the burden of establishing by clear and convincing proof that he possesses the

qualifications for readmission, which should not be less than those required for original admission.

It is the obligation of the organized Bar and the individual lawyer to give unstinted cooperation and assistance to the highest court of the state in discharging its function and duty with respect to discipline and in purging the profession of the unworthy.

## DRAFT OF MODEL RULES

This court declares that it possesses original and exclusive jurisdiction in all matters involving admission of persons to practice law, and to discipline, for cause, all such persons, and in the exercise of that jurisdiction, adopts and promulgates the following rules which shall govern disciplinary proceedings:

### Part One

1.01. The court from time to time will appoint one or more lawyers as commissioners of this court in disciplinary proceedings, and by order will fix the territorial jurisdiction and the term of office of each commissioner. No commissioner appointed by the court shall receive any compensation for his services. Each commissioner shall receive his necessary expenses connected with the performance of his duties as commissioner, which shall be paid by the bar association authorized to recommend commissioners in his district.

1.02. The governing body of the (state bar association), (or integrated bar, [using official name of such]) (and of such bar associations of metropolitan communities as are authorized to be represented in the House of Delegates of the American Bar Association) (are) (is) authorized to recommend to the court the names of lawyers to act as such commissioners.

The court will appoint the first commissioners and fill vacancies occurring in the office of commissioners from lawyers recommended by the governing bodies of such bar associations, unless the court is of the opinion that sufficient fully qualified persons have not been recommended from which to appoint the first commissioners or to fill vacancies in the office of commissioners. In such an event, the court may call upon the governing bodies of such bar associations to make additional recommendations.

1.03. The commissioners, upon the filing of charges of misconduct by a lawyer maintaining his principal office for the practice of law within their district, whether such misconduct occurred within their respective districts or elsewhere either within or without this state, shall have power to hear the matter and make and report to this court their findings of fact, conclusions and recommendations.

The commissioners shall adopt rules governing the investigation of complaints and the hearing of charges. The court may assign a commissioner or commissioners of one district to serve in another district. In the discharge of their duties the commissioners may call to their assistance other members of the bar of this state.

The commissioners in each district shall appoint a preliminary committee or committees on inquiry for

such district, which shall make preliminary investigations of misconduct by lawyers maintaining their principal office for the practice of law within such district. Such investigations may be instituted on formal or informal complaint or upon information, oral or written, of such misconduct received by the committee from any responsible source.

1.04. Before the filing of written charges against a lawyer, such preliminary investigation shall be made by the committee on inquiry, to determine whether or not a formal proceeding shall be instituted by filing such charges, and a formal hearing had thereon. The committee may in its discretion afford the lawyer an opportunity to be heard during the course of the preliminary investigation either by the committee or a member thereof designated by the committee to act for it.

1.05. Unless the court or commissioners on their own motion shall direct that written charges shall be filed without being signed, they must be signed by the person or persons aggrieved or by the President or Secretary of a regularly organized bar association, or by the chairman of a regularly constituted committee of such a bar association or by the chairman of the committee on inquiry. The charges must be sufficiently clear and specific reasonably to inform the respondent of the misconduct charged. Service of the written charges shall be made upon the respondent in accordance with the rules adopted by the commissioners pursuant to Rule 1.03. The response of the respondent must be in the form of a written answer, in which he shall specifically admit or deny the allegations of the charges. The respondent may not challenge the complaint by demurrer or motion, but he may incorporate in his answer the objection that the commissioners do not have jurisdiction or the objection that the acts or omissions alleged in the charges do not constitute misconduct which would warrant the imposition of discipline. If the respondent shall fail either to file an answer or to appear at the time fixed for the hearing, he shall be deemed to be in default. When called upon to answer or give testimony, the respondent shall make specific and complete disclosures as to all material matters.

1.06. The commissioners in each district shall determine the number of commissioners which shall constitute a quorum in each case arising therein. Commissioners constituting a quorum shall have power to conduct a hearing and report to this court their findings of fact, conclusions and recommendations.

1.07. The proceedings under these rules shall not be public and the record before the commissioners shall be private and confidential, unless the respondent shall request otherwise. The record shall not be made public unless and until a report recommending discipline shall be filed with the court.

1.08. The costs of all proceedings before commissioners in each respective district shall be paid by the bar associations authorized to recommend commissioners.

1.09. The preliminary committees on inquiry and the commissioners having jurisdiction over the matter may:

(a) Administer oaths and affirmations and hear evidence.

(b) Compel, by subpoena, the attendance of witnesses and the production of pertinent books, papers and documents.

The subpoena may be issued and the oath or affirmation administered by any of such commissioners or any member of such committee.

A witness shall be paid mileage (and witness fees) as provided by the law of this state in civil cases.

Depositions may be taken and used in the same manner as in civil cases.

1.10. Whenever any person subpoenaed to appear and give testimony or to produce books, papers or documents, refuses to appear or to produce such books, papers or documents, or whenever any person, having been sworn to testify, refuses to answer any proper question, he shall be guilty of contempt of this court.

The committee on inquiry or the commissioners shall report to this court the facts relating to any such contempt. Thereupon such proceedings shall be had as in cases of other civil contempts.

1.11. To warrant a finding of misconduct in contested cases, the charges must be established by a preponderance of the evidence, and, in cases where the respondent defaults, by *prima facie* evidence.

On a charge of solicitation of professional employment through a lay person or agency, it shall not be necessary to prove that such lay person or agency received compensation.

When not otherwise provided herein, the practice in disciplinary proceedings shall be governed by applicable rules in civil proceedings.

1.12. When a member of the preliminary committee on inquiry or other person, having knowledge of the facts, designated so to do by the commissioners, shall file in the office of the clerk of this court an affidavit stating that any respondent resides or has gone out of this state or on due inquiry cannot be found, or is concealed within this state, so that notice cannot be served upon him, and either stating the present place of residence of such respondent, or averring that upon diligent inquiry his place of residence cannot be ascertained and stating his last known place of residence, the clerk of this court shall cause publication to be made in some newspaper of general circulation published in the county of respondent's place of residence or last known place of residence in this state, as set forth in such affidavit, containing: (1) the title of this court, (2) the

name of the respondent, (3) notice of the pendency of the proceedings, (4) the time and place of the hearing of the cause, and (5) the names of the commissioners for the district in which the proceedings are pending. He shall also within ten days from the first publication of such notice send a copy thereof by mail, addressed to such respondent, either at his present residence or last known place of residence. The certificate of the clerk that he has sent such a copy in pursuance of this provision shall be proof thereof. Such notice shall be published once a week for three consecutive weeks, the first insertion of which shall be at least thirty days before the date set for the hearing by the commissioners; and unless said time has intervened no proceedings therein shall be had, but the said cause shall stand continued to a date at least thirty days after the said first date set for hearing; provided, that in case the respondent appears and consents to the hearing the cause may be heard at an earlier time.

1.13. At the conclusion of the hearing, the commissioners, if discipline by the court is recommended, shall make a report to the court of their findings of fact and conclusions and recommendations. Thereupon the matter shall be docketed in the name of the respondent and the commissioners shall designate a member of the bar to act as *amicus curiae* in support of its recommendations. Upon the filing of such report, a copy thereof shall be served on the respondent by registered mail at his last known post office address, and proof of such service shall be filed in this court. The respondent, if not in default, may file exceptions to the report within twenty days from the date of the mailing of a copy of such report to him, or within an additional period not to exceed twenty days granted by the court for good cause shown. Unless such exceptions are predicated solely on the report, the respondent, within ten days after the filing of such exceptions, shall file with the commissioners a designation of such parts of the record as he deems necessary to enable the court to pass on such exceptions, and within ten days thereafter, the *amicus curiae* may file a designation of any additional parts of the record he deems necessary to enable the court to pass on such exceptions. The commissioners shall furnish the respondent with an estimate of the cost of an original and two copies of the parts of the record so designated, and within ten days after the giving of such estimate, the respondent shall deposit the amount thereof with the commissioners. Thereupon the commissioners shall promptly certify to the court the parts of the record so designated and furnish a copy thereof to the *amicus curiae* and a copy thereof to the respondent.

Upon the filing of the certified record, briefs shall be filed within the times fixed by the rules governing civil appeals and the matter shall be disposed of expeditiously.

Where a respondent fails to file exceptions to the report, upon motion made by the *amicus curiae*, the court may enter an order giving effect to the recommendations contained in the report.

The court will adopt a finding of fact made by the commissioners unless, upon a consideration of all of the record certified up, as above provided, it is of

the opinion that such finding is not supported by a preponderance of the evidence.

Upon submission of the matter to this court, it shall either impose discipline or dismiss the proceedings.

1.14. The court in its discretion may direct the filing of written charges. However, no discipline shall be imposed by the court unless a report recommending discipline is filed by the commissioners as provided herein.

1.15. If discipline is not recommended or private censure imposed by the commissioners, the commissioners shall either dismiss the proceedings or order the charges and the record to be placed on file to be considered further in the event of the filing of other charges or the production of additional evidence.

#### Part Two

2.01. All of the members of the bar have taken an oath to support the Constitution and the laws of this state and of the United States. As officers of the court, they are charged with obedience to these laws, both in and out of court, and to observe the high standards of professional conduct. Traditionally, standards for lawyers have been higher than expected of laymen. A license to practice law is a proclamation by this court that the holder is one to whom the public may entrust professional matters. The lawyer must be true to that trust and his confidential relationship to his client, whether such client be a public body or a private individual.

2.02. The court does not undertake by these rules to promulgate a code governing all causes for discipline. The enumeration here of certain categories of misconduct as constituting grounds for discipline shall not be deemed to be all-inclusive, nor shall the failure to specify any particular act of misconduct be construed as a tolerance thereof by this court.

2.03. The fact that certain acts of unprofessional conduct may at times have remained unchallenged shall not excuse a wrongdoer.

2.04. The commission by a lawyer of any act contrary to honesty, justice or good morals, whether the act is committed in the course of his relations as an attorney or otherwise, and whether or not the act is a felony or misdemeanor, constitutes a cause for discipline. If the act constitutes a felony or misdemeanor, conviction thereof in a criminal proceeding is not a condition precedent to discipline.

Knowingly or willfully advocating, abetting, advising, or teaching the duty, necessity, desirability or propriety of overthrowing or destroying the government of the United States or the government of any state, territory, district or possession thereof by force or violence, or any other violation of the provisions of 18 U.S.C. Sec. 2385, shall constitute a cause for discipline.

2.05. The fact that an act is *malum prohibitum* rather than *malum in se* shall not, in and of itself, constitute a defense to a charge of misconduct.

2.06. An adjudication of misconduct in a disciplinary proceeding by a court of another state in which an attorney has been licensed to practice shall be considered as conclusive proof of such misconduct in a disciplinary proceeding in this state. Conviction of a crime involving moral turpitude shall be con-

clusive proof of the guilt of the respondent, and a plea or verdict of guilty or a plea of *nolo contendere*, where followed by a judgment of conviction, shall be deemed to be a conviction within the meaning of this rule.

2.07. Where money or other property has been entrusted to an attorney for a specific purpose, he must apply it to that purpose. He may not avail himself of a counterclaim or setoff for fees against any money or other property of his clients coming into his hands, and a refusal to account for and deliver over such money or property upon demand shall be deemed a conversion. This does not apply to the retention of money or other property upon which the lawyer has a valid lien for his services. Controversies as to the amount of fees shall not be considered a basis for charges in a disciplinary proceeding unless it is charged that the amount demanded as fees is extortionate or fraudulent.

#### Part Three

3.01. Discipline shall be: (a) permanent disbarment, or (b) suspension for an indefinite period, subject only to termination as hereinafter provided, or (c) a public censure, or (d) a private censure.

This does not preclude the commissioners from administering a private censure to a respondent if the facts shall warrant, without recommendation of discipline to the court. In fixing the degree of discipline to be imposed for misconduct, the commissioners and the court shall consider prior misconduct resulting in discipline.

At the time of the entry of an order of suspension, the court will fix a minimum period which must elapse before the court will entertain a motion by the respondent for termination of suspension. The entry of such order shall not be construed to imply that the respondent will be entitled to the termination of his suspension at the end of such minimum period.

3.02. Any attorney who shall have been suspended may by petition apply for termination of such suspension after the minimum period fixed by the court under sec. 3.01 shall have elapsed. Application for termination of suspension shall be by verified petition filed with the clerk of this court, setting forth—

(a) the report and recommendations of the commissioners, the order of discipline and the published opinion, if any, of this court;

(b) facts showing he has rehabilitated himself and is otherwise entitled to have the order of suspension terminated.

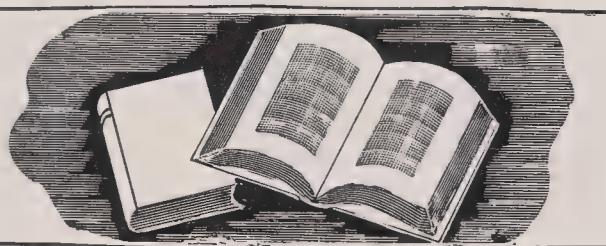
3.03. Unless denied by the court forthwith for insufficiency in form or substance, the clerk shall forward a copy of the petition to the commissioners appointed under these rules to hear the petition and to report to this court their findings, conclusions and recommendations. The clerk of this court shall notify the applicant of the filing of such report. The proceedings before the commissioners shall be governed by the applicable provisions of these rules governing disciplinary proceedings. However, the burden shall be upon the applicant for termination of suspension to establish the averments of his application by clear and convincing evidence.

If the report recommends denial of the petition,

the petitioner shall have fifteen days from the date of mailing of the notice of such filing to file exceptions thereto. Neither briefs nor oral arguments shall be permitted. If the report recommends denial of the petition, the matter shall be submitted for such consideration on the report alone. Thereupon, the court shall make such order as it deems proper. The commissioners, upon request of the petitioner and payment of the actual cost thereof, shall certify to the court the complete record of the proceedings before the commissioners.

3.04. A lawyer who, pending investigation of misconduct or while charges of misconduct against him are pending, voluntarily surrenders his license to practice law in this state or elsewhere, shall not thereafter be admitted to practice law in this state.

## *The Literature of Judicial Administration*



### ARTICLES

#### **Administrative Procedure**

"Judicial Review: Question of Law," by Louis L. Jaffe. *Harvard Law Review*, December, 1955, pp. 239-276.

"Government Legal Services, Procedures, and Representation: A Discussion of the Hoover Report and the Administration of the Department of the Interior," by Clarence A. Davis. *Northwestern University Law Review*, January-February, 1956, p. 726.

#### **Appellate Procedure**

"Tactics in Appellate Briefs," by John Alan Appleman. *South Dakota Bar Journal*, January, 1956, pp. 25-41.

"What Part Does the Oral Argument Play in the Conduct of an Appeal?," by John M. Harlan. *Cornell Law Quarterly*, Fall, 1955, pp. 6-11.

#### **Civil Procedure**

"Medico-Legal Problems." *Law Review Digest*, November-December, 1955, pp. 65-79.

"The New Rules of Procedure in Delaware," by Hon. Daniel L. Herrmann. *Federal Rules Decisions*, February, 1956, p. 327.

"Should Ohio Adopt Federal Rules of Civil Procedure?," by Ross W. Shumaker. *Ohio Bar*, January 23, 1956, pp. 43-48.

"1955 Amendments to the Illinois Civil Practice Act." *Illinois Bar Journal-Supplement*, January, 1956.

#### **Court Organization**

"Court Reorganization," by E. Harold Hallows. *The Wisconsin Bar Bulletin*, February, 1956, pp. 7.

"Boys' and Auto Theft Court," by Sigmund J. Stefanowicz. *Chicago Bar Record*, February, 1956, pp. 227-228.

"Judicial Power and Territorial Judges," by Charles

3.05. The clerk of this court shall maintain a separate and permanent record of disciplinary proceedings setting forth the following facts:

1. Number of case;
2. Name of respondent;
3. General nature of charges;
4. Discipline, if any, imposed;
5. Termination of suspension of respondent, if ordered, and date of order.

#### **Part Four**

4.01. A lawyer who has been adjudged insane or mentally incompetent shall be suspended from the practice of law until further order of the court. If restored to competency, he may apply for termination of suspension.

A. Loring. *Hastings Law Journal*, November, 1955, pp. 62-71.

"The Public Cost of Trial and Congestion: Recommendations and Suggestions," Thirty-First Report of the Judicial Council. *Massachusetts Law Quarterly*, December, 1955, p. 51.

#### **Courtroom Publicity**

"Commentary on Press Photographers and the Courtroom," by William F. Swindler. *Nebraska Law Review*, November, 1955, p. 13.

"Press Photographers and the Courtroom—Canon Thirty-Five and Freedom of the Press," by Herbert Brownell, Jr. *Nebraska Law Review*, November, 1955, p. 1.

#### **Criminal Procedure**

"Capital Punishment," by Evelle J. Younger. *The Bulletin—Hudson County Bar Association*, February, 1956, pp. 2-7.

"A Comparative Analysis of Federal and Military Criminal Procedure," by George W. Latimer. *Temple Law Quarterly*, Fall, 1955, pp. 1-25.

"Cross-Examination," by George W. Herz, Esq. *Queens Bar Bulletin*, March, 1956, pp. 128-133.

"Discipline and Military Justice," by Captain S. B. D. Wood. *The Judges Advocate Journal*, December, 1955, p. 1.

"Special Verdicts and Interrogatories in Idaho," by Philip E. Peterson. *Idaho State Bar News Bulletin*, February, 1956, p. 5.

"The Defendant as Seen from the Bench," by Judge Harlan H. Grooms. *Federal Probation*, December, 1955, pp. 3-6.

"The Lawyer's Responsibility in the Administration of Criminal Justice," by Loyd Wright. *Tennessee Law Review*, December, 1955, pp. 1-12.

## International and Comparative Judicial Administration

"A Judge's Holiday," by Hon. Charles W. Froessel. Queens Bar Bulletin, February, 1956, p. 104.

"A Suit in the High Court of England," by John V. Lovitt. Pennsylvania Bar Association Quarterly, January, 1956, pp. 2-5.

"Preliminary Report of the Civil Code Reform Commission of France," by Leon Julliot de la Morandiere, Translated by Joseph Dainow. Louisiana Law Review, December, 1955, p. 1.

"The Lawyer's Role in International Transactions," by George W. Ball. The Record of the Association of the Bar of the City of New York, February, 1956, p. 61.

## Judicial Administration

"A Layman's Look at the Bench and Bar," by Victor G. Barnett. The Journal of the Oklahoma Bar Association, February 25, 1956, pp. 377-381.

"Intangibles in the Judicial Process," by Hon. William J. Palmer. Federal Rules Decisions, January, 1956, p. 291.

*Any book reviewed here or in any other issue of this Journal, or any other book in the field of judicial administration, may be ordered directly from the American Judicature Society, 1155 East Sixtieth Street, Chicago 37, Illinois. We also will be glad to procure for you, at regular single-copy prices, copies of periodicals containing any of the articles here listed.*

"John Marshall—A Tribute," by Hon. William M. Maltbie. Connecticut Bar Journal, December, 1955, p. 335.

"Law Reform," by Robert F. Drinan. Social Order, February, 1956, p. 77.

"Reflections from Retirement," by Arthur Fforde. The Law Society's Gazette, November, 1955, pp. 489-495.

"The Role of the Judge in the American Republic," by Albert Tate, Jr. Louisiana Law Review, February, 1956, pp. 386-390.

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by Joseph M. Proskauer  
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